

Message Text

UNCLASSIFIED

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ACTION SCS-05

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FM AMEMBASSY KATHMANDU
TO SECSTATE WASHDC 8664

UNCLAS KATHMANDU 2575
FOR SCS

E.O. 11652: NA
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ABROAD

REF: STATE 147704

1. EMBASSY HAS BEEN INFORMED BY THE NEPALESE BAR ASSOCIATION THAT
"PUBLIC DEFENDER" REPRESENTATION IS AVAILABLE ONLY IN THE
REGIONAL COURT RESPONSIBLE FOR KATHMANDU AND IN THE SUPREME
COURT. OUTSIDE KATHMANDU SUCH REPRESENTATION IS NOT AVAILABLE.
"PUBLIC DEFENDER" REPRESENTATION IS NOT AVAILABLE IN THE COURT
OF FIRST INSTANCE (THE DISTRICT COURT), NOR IS IT AVAILABLE
FOR ADMINISTRATIVE PROCEEDINGS, WHICH INCLUDE CUSTOMS AND EXCISE
VIOLATIONS.

2. IN THE APPEALS COURTS, SUCH REPRESENTATION IS READILY AVAILABLE,
AS EACH COURT HAS AN APPOINTED PUBLIC ADVOCATE.

3. WE ARE INFORMED THAT THE QUALITY OF REPRESENTATION PROVIDED BY
A PUBLIC DEFENDER IS IN THEORY IDENTICAL TO THAT PROVIDED BY A
PRIVATELY-ENGAGED LAWYER; HOWEVER, THE EFFORT EXPENDED ON
A CASE BY AN UNPAID LAWYER MAY DIFFER FROM THAT EXPENDED
BY A PRIVATELY-ENGAGED ADVOCATE.
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Disposition Approved on Date:
Disposition Case Number: n/a
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